

RECEIVED
CENTRAL FAX CENTER

JAN 24 2005

2771-676

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent Application of:	)	Docket No.:	2771-676 (7486)
Applicants:	)	Conf. No.:	5627
Application No.:	)	Art Unit:	1762
Date Filed:	)	Examiner:	MEEKS, Timothy Howard
Title:	)	Customer No.:	25559
TANTALUM AMIDE)		
COMPLEXES FOR)		
DEPOSITING TANTALUM-)		
CONTAINING FILMS, AND)		
METHOD OF MAKING SAME)		

FACSIMILE TRANSMISSION CERTIFICATE

ATTN: Examiner Timothy MEEKS

Fax No. (703) 872-9306

I hereby certify that this document is being filed in the United States Patent and Trademark Office, via facsimile transmission to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on **January 24, 2005**, to United States Patent and Trademark Office facsimile transmission number (703) 872-9306.

3

Number of Pages (including cover)

Tristan A. Fuierer

Tristan A. Fuierer

January 24, 2005

Date

**RESPONSE TO RESTRICTION REQUIREMENT IMPOSED IN JANUARY 10, 2005
OFFICE ACTION IN U.S. PATENT APPLICATION NO. 10/684,545**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This responds to the January 10, 2005 Office Action in the above-identified application.

2771-676

Elections/Restrictions

In the January 10, 2005 Office Action, the Examiner imposed a restriction requirement against claims 1-36, and required that an election be made between:

- Group I: Claims 1-11, drawn to a compound, classified in class 556, subclass 1;
- Group II: Claims 12-33, drawn to a deposition method, classified in class 427, subclass 252; and
- Group III: Claims 34-36, drawn to a process of making a compound, classified in class 556, subclass 15.

Applicants hereby elect, with traverse, Group I claims 1-11, drawn to a compound.

The traversal is based on the fact that the rationale for the restriction is in error. The compounds recited in claims 1-11 are the same as those recited in process of using claims 12-33 and process of making claims 34-36, insofar as the specifically recited tantalum compounds are concerned, and thus are not independent and distinct from claims 1-11, as is necessary under 35 U.S.C. §121 as a basis for proper restriction.

It therefore is requested that the restriction requirement be reconsidered, and that claims 1-36 be retained in consolidated form for further examination and prosecution on the merits.

If the restriction requirement between the compounds and the methods of making and/or using is nonetheless made final, applicants alternatively request rejoinder of method claims 12-36 under the provisions of MPEP §821.04 upon confirmation of allowable subject matter of the composition claims 1-11.

Such rejoinder would be fully proper under these circumstances for the following reasons.

2771-676

When an application as originally filed discloses a product and the process for making and/or using such product, and only the claims directed to the product are presented for examination, when a product claim is found allowable, applicant may present claims directed to the process of making and/or using the patentable product for examination through the rejoinder procedure in accordance with MPEP §821.04, provided that the process claims depend from or include all the limitations of the allowed product claims.

In the present application the elected claims 1-11 are directed to tantalum compounds, the non-elected method claims 12-33 are directed to a method of using said tantalum compounds for forming a Ta material on a substrate, and non-elected claims 34-36 are directed to methods of making said tantalum compounds. Consistent with the provisions of the MPEP §821.04, when the product claims 1-11 are subsequently found allowable, the withdrawn method of making and/or using claims 12-36 are properly rejoined for examination.

Conclusion

Based on the foregoing, pending claims 1-36 are in form and condition for examination. If any additional issues remain, the Examiner is requested to contact one of the undersigned attorneys at (919)419-9350 to discuss same.

Respectfully submitted,



Steven J. Hultquist
Reg. No. 28,021
Attorney for Applicants



Tristan A. Fuierer
Reg. No. 52,926
Attorney for Applicants

INTELLECTUAL PROPERTY/
TECHNOLOGY LAW
Phone: (919) 419-9350
Fax: (919) 419-9354
Attorney File No.: 2771-676 (7486)